

Appl. No. 10/538,840  
Amendment dated: November 26, 2007  
Reply to OA of: June 25, 2007

**Amendments to the drawings:**

The attached sheets of drawings includes changes to Figures 1-3.

Attachment: Replacement Sheets

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### **REMARKS**

Applicants have amended the specification, including the drawings, and claims to more particularly define the invention taking into consideration the outstanding Official Action. However, Applicants request that the requirement to change the English spelling to American English be held in abeyance until there is an indication of allowable subject matter and in light of the statement in MPEP 608.01 that Examiner should not object to the specification and/or claims in patent applications merely because Applicants are using British English spelling as the rules only require the use of the English language and not American English. If on reconsideration, the Examiner still requires the amendments, a substitute specification will be prepared accordingly. However, the typographical errors have been corrected in accordance with the requirements in the Official Action.

The figures have been corrected to provide the correct English language terms for the German language terms in the drawings. Accordingly, it is most respectfully requested that the objection be withdrawn.

Applicants note the comments with respect to the author's names and dates of information contained in the background disclosure. This is admitted prior art and therefore a further amendment is not necessary. Accordingly, this requirement should be withdrawn.

The claim objections have been noted as set forth on page 4 and 5 of the Official Action and have been corrected where appropriate in the rewritten claims.

More particularly, claims 1-26 have been canceled from the application and new claims 27-48 have been added to the application and are fully supported by the specification as originally filed as would be appreciated by one of ordinary skill in the art to which the invention pertains. The new claims generally parallel the original claim set but remove rejected language where appropriate. For example, claim 27 is a combination of original claims 1 and 3 and specifies an isolate in accordance with the requirement in the Official action. Claim 28 corresponds to original claim 2, claims 29 and 30 correspond to claims 3 and 4 but are now specifically limited to stringent

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hybridizing condition as described on page 22 of the specification. Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 USC 112 and are clearly patentable over the references of record. It is noted that there is no prior art rejection set forth in the Official Action so that the claims are presumed allowable over the prior art.

The rejections of claims 1-5 and 6-9 under 35 U.S.C. 101 because the claim is directed to non-statutory subject matter has been obviated in the amendments to the claims which now specify that these materials are isolated. Accordingly, it is most respectfully requested that these rejections be withdrawn.

The rejection of claims 3, 6, 7, 10-15, 17, 18 and 23 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention has been carefully considered but is specifically traversed in view of the amendments to the claims. For example, the corresponding claim for claim 6 which is claim 32, now specifies the regions of the polynucleotide and therefore is not an unknown in sequence or function. Accordingly, this aspect of the rejection should be withdrawn in view of the amendment to the claims.

Moreover, the objected to term "in accordance with" has been replaced by the term "of" throughout the claims. The term "derived", as now used in the claim is believed to be well understood by one of ordinary skill in the art to which the invention pertains in view of the additional information in the claim "degeneration of the genetic code" which clearly defines what shall be encompassed by the claim.

The rejection of claim 26 is believed to be obviated as the term "pharmaceutical...means" as previously claimed in claim 26 was replaced by "A diagnostic or therapeutical...composition" in the new claim. In addition, guided by the general teaching of the section significance of invention pages 9 and 10 one of ordinary skill in the art can derive without undue experimentation how the compounds of the present invention can be used in the diagnostic or therapeutical field. Therefore, the definition of the terms will be clear to one of ordinary skill in the art and the meets and bounds of the invention defined. Accordingly, it is most respectfully requested that this aspect of the rejection be withdrawn.

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The term "materials" has been replaced with the "The isolated polynucleotides, polypeptides, oligonucleotides and trans-sialidases" to more clearly define the invention to one of ordinary skill in the art. Accordingly, it is most respectfully requested that this aspect of the rejection be withdrawn.

Applicants submit herewith a copy of the scientific article "Distribution of developmentally regulated trans-sialidases in the Kinetoplastida and characterization of a shed trans-sialidase activity from procyclic *Trypanosoma congolense*" by M. Engstler which has already been mentioned in the present specification and is cited in the parallel Chinese application.

In view of the above comments and further amendments submitted herewith, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By:   
RICHARD E. FICHTER  
Registration No. 26,382

625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314  
Telephone: 703-683-0500  
REF/cjw  
A01.wpd

November 26, 2007